THE VIRGINIA GAZETTE, AND GENERAL ADVERTISER.

RICHMOND—PRINTED (EVERY WEDNESDAY AND SATURDAY) BY AUGUSTINE DAVIS, AT FOUR DOLLARS PER ANNUM—PAID IN ADVANCE.

No. 1186.] SATURDAY, FEBRUARY 25, 1804. [VOLUME XVIII.

SCHEME OF A LOTTERY,

For the benefit of William and Mary College.

FIRST CLASS.

8000 *Tickets at* 10 *dolls.*		80,000
2 *Prizes, dolls.*	10,000	20,000
60 *of*	500	30,000
2000 *of*	15	30,000
	Dollars,	80,000
Subject to a deduction of 15 *per cent.*		12,000
Expence of drawing,		2,000
	Dollars,	10,000
First Ticket drawn,	*Dollars,*	500
Last drawn,		10,000
1 *other Prize of*		10,000
59 *other Prizes of* 500 *dolls.*		29,500
2000 *of* 15 *dolls.*		30,000
	Dollars,	80,000

All tickets drawn blank may be renewed in the next class, at 10 *dollars each; the price of all others will be* 15 *dollars.*

All prizes of 15 *dollars may be renewed for the next class, or paid, at the option of the person entitled. If they be not claimed within three months after the drawing commences, they will be considered as renewed in the second class.*

The drawing to commence in the city of Williamsburg, on the 1st *day of June,* 1804.

SECOND CLASS.

5,938 *Tickets at* 10 *dollars,*		59,380
4,062 *ditto at* 15 *dollars,*		70,930
	Dollars,	130,310
Deduct loss on 2,062 *tickets renewed at* 2½		5,155
	Dollars,	125,155
2 *Prizes of* 20,000 *dolls.*		40,000
2 *ditto of* 10,000 *dolls.*		20,000
3 *ditto of* 5,000 *dolls.*		15,000
50 *ditto of* 1,000		50,000
1 *ditto*		155
	Dollars,	125,155
Deduct 10 *per cent.*		12,500
Expences of drawing,		2,500
Sum raised,		10,000
Ticket first drawn,		1,000
Ticket last drawn,		20,000
1 *other Prize of*		20,000
1 *ditto of*		10,000
3 *ditto of* 5,000 *dollars,*		15,000
40 *ditto of* 1,000		40,000
1 *ditto*		155
	Dollars,	125,155

LOUIS WERCQ,

MERCHANT TAILOR,

NOT intending to carry on his business as extensively as heretofore, informs the public, that in future he shall expect materials to be paid for, before they are made into clothes. He has on hand a supply of the best Cloths, Cassimeres, Swandowns, Marseilles, &c. which he will sell low for cash only. All persons having claims against him will be paid on application, and those in his debt are requested to pay their accounts to him immediately.

Richmond, October 17th, 1803. 4m.

NOTICE.

Valuable Lands for Sale.

AT Hanover courthouse, on Wednesday the 25th of April next, being court day, will be exposed to sale at auction, for ready money,

Two tracts of Land,

one of them containing 115 acres, more or less, and is commonly known and called by the name of Bib's Tract, part whereof lies in Hanover and part in Goochland.

The other tract contains 100 acres, more or less, and lies in Hanover. The subscriber believes that the latter tract is commonly known by the name of Fenton's place. But the tracts adjoin each other, and will be sold together. Theft lands are distant from the city of Richmond about 21 miles, in a healthy situation and an agreeable neighborhood. It is deemed unnecessary to say any thing with respect to the quality of the soil, as it is believed that any one inclining to purchase will first view the lands.

The sale will be made by virtue of a deed of trust from Thomas Thompson, Jane Hale'ls, his wife, and William Duval, to George Veille, dated the 22d of March, 1796, and recorded in the general court in June following; to secure the payment of a debt due from the said Thomas Thompson to Murdock Pearns & Co.—and which deed of trust the subscriber was authorised to carry into effect by a deed of assignment made between him and the aforesaid Thomas Thompson and George Veille, dated the 23d of January, 1798, and recorded in the general court the 14th of November following, which two deeds will be exhibited on the day of sale, and a deed of conveyance with special warranty, will be executed to the purchaser, by

Charles Copland.

Richmond, 16th February, 1804. 13w

DIOMED.

This extraordinary horse, in as high health and vigour as he has ever been,

WILL stand the next season at my stable, on James River, three miles below Richmond, at SIXTY DOLLARS the season, dischargeable by FIFTY if paid before the 10th of August, when the season will expire. Excellent pasturage, securely enclosed, *gratis*. Seperate enclosures will be provided for the Mares, according to their situation, and grain furnished at the market price. Every attention shall be paid to the Mares; but no liability for escapes or accidents of any kind.

DIOMED has unquestionably been one of the best racers on the English turf. At three years old he was winner seven times, without being beaten, although he contended with the best horses then running.—Among his races of that year he won a sweepstakes of 500 guineas each—He won the great Darby stakes at Epsom, which are the most important in the kingdom—giving to the winner more credit than any that are run in England. His winnings that year amounted to 3125 guineas.

At four years old he received forfeit from the brother of Mopsqueezer for 500 guineas. He won the Portesque stakes, eleven subscribers of 50 guineas each. Over the Beacon course he won the Claret stakes, of 100 guineas each; beating seven capital horses, and receiving forfeit from seven others. His winnings this year amounted to 2580 guineas. At five years old he fell lame and did not start. At six years old, carrying 168 pounds, at three heats, he won the King's plate at Guilford. He ran also for the King's plate at Lewes, which he would have won had he not fallen lame. This year he also ran for two other King's plates; and although injured, was the second horse for each—They were won by Anvil and Drone, at that time the two best horses on the English turf. He never started after he was six but kept as a Stallion, and ranked among the best in England, as by reference to the Racing Calendar the following Certificate will be proven.

I hereby certify, the Chefnut horse DIOMED, purchased of me, by Messrs. Lamb & Younger, won the Darby stakes at Epsom—the Claret stakes at New Market, and many other prizes as may be seen in the Racing Callendars. He is the sire of Grey Diomed, Quiti Lavaca, Lais, (the dam of Lord Clermont's Spoliator) Grey Hound, Monkey, Anthony, Glaucus, Wrangler, Cedar, Poplar, and many other good Racers.

GREY DIOMED, at three years old, was sold by me to Mr. Fox, for 700 guineas. Mr. Fox afterwards sold him with his engagements, to the Duke of Bedford, for 1100 guineas. Several others of his get have been sold at large prices.

THOS CHARLES BUNBURY.

In addition to the above flatement, let his Colts in Virginia, now three years old, prove his excellence and unrivalled superiority over all the Stallions in America.

Madeira—won the Wine stakes at Fairfield in May last, two mile heats, beating Bucephalus, (now called Schedoni) and Mr. Hoome's B. C. Daredevil.

Peacemaker—the sweepstakes of 140 guineas, at Mr. Varell's, and since purchased by Mr. Hoomes.

Diomeda—the property of Mr. Cocke, the sweepstakes at Fairfield, in May, beating Mr. Randolph's *Wiltonia*, by Stirling, and Mr. Taylor's Bay Colt, by Gabriel; the rest paid forfeit.

Lavinia—the first day's sweepstakes at Petersburg, in May last.

Mr. Bland's Chefnut Colt, the second day's sweepstakes, of 100 dollars each.

Topgallant—the post sweepstake at Broad Rock in September, which entitled a Colt to the greatest credit.

Lavinia—the sweepstakes at Fredericksburg, in October, the largest amount ever run for in America, twenty subscribers, 200 dollars each—nine started, the rest paid forfeit.

Top Gallant—the sweepstakes in Petersburg in Oct. Mr. Drummond's Filly, the sweepstakes, at Scotland Neck, North Carolina—thirty subscribers.

Finger Un—the property of Col. Hampton, only 3 years old, the Gold Cup at Washington, four miles, beating Col. Hoome's Volunteer, by Bedford; Mr. Taylor's Skyscraper, by Alderman; and Gen. Ridgely's Financier; and was immediately purchased by Mr. Lloyd, of Maryland, for 2750 dollars.

Exclusive of the above, many others of his Colts have been winners during the present year.

PEDIGREE.

DIOMED, was got by Florizel, (one of the best sons of King Herod) his dam by Spectator, sister to Juno, [the dam of Dragon, and Young Eclipse] his grand dam (sister to Horatius, by Blank) his great grand dam Fetabert's dam, and full sister to the grand dam of Cygnet and Blossom, by Childers, out of Miss Belvoir, by Grey Grantham, Paget, Turk, Betsey Percival, Leeds, Arabian, &c.

MILES SELDEN, Sen.

TREE HILL, Dec. 20th, 1803.

NOTICE.

THAT I have committed the entire management and transaction of my business to my brother Robert B Payne of Columbia, and county of Fluvanna, and authorised him, and him only, to settle and adjust on my behalf the debts owing to or by the estate of Richard Cocke, late of Fluvanna.—According to him the said Robert B. Payne those having claims upon the said estate will bring them forward for adjustment; and those indebted to it, make payment, which they are requested to do without delay.

POLLEY J. COCKE, Executrix of Richard Cocke, dec.

Fluvanna, 16th Feb. 1804.

Valuable Property.

The subscriber offers for sale, that valuable unimproved

Lot of Ground,

situate on the main street in the city of Richmond, containing about sixty six feet in front and running one hundred feet back, on the cross street leading to the basin of the canal, and immediately opposite to the corner stores now in the occupancy of Messrs. Pickett Pollard and Johnston, and that of Mr. Cha's. Spencer. The numerous advantages attending this property needs no comment, its situation being in the centre of business renders it an object for public or private employment, and is perhaps the most eligible in this city for either. Any person desirous of purchasing will be treated with privately on application at any time between this and the first day of May next, and if not sold previous to that day, the same will be offered for sale at public auction, on the fifth day of that month, and the terms thereof made known.

John M'Enery.

Feb. 15th, 1804.

20 Dollars Reward.

WHEREAS on the 17th day of Septmeber 1802, I by my agent purchased from Robert Yancey & Co. a negro man named

PHILL,

said to be about thirty years old, but who I am informed is upwards of forty, about five feet eight or nine inches high, a scar on the right side of his forehead near the hair, stammers when closely examined, and fond of spirituous liquors, has been sold out of widow Winston's estate by Major Ellex Winston, to a Mr. Graves of Richmond, and by him to Major R. Yancey. Said Negro ran away before he was delivered to me, and altho I consider the said Yancey & Co. liable to me for said negro, to prevent further trouble I will give the above reward to any person who will secure said negro in any jail in Virginia, so that I get him, and all reasonable charges if delivered at my house in Augusta County, eight miles from Rockfish Gap.

Philip Dold.

Debember 16th, 1803.

Virginia—to wit:

At a Chancery District Court, held in the city of Williamsburg, 26th day of July, 1803.

Benjamin Kidd, Plaintiff,

AGAINST

Thomas Crittenden and Jane Crittenden, Defendants.

THE defendant Thomas Crittenden not having entered his appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court that he is not an inhabitant of this country. On the motion of the plaintiff by his counsel, It is ordered, that the said defendant do appear here on the first day of April term next, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper of the city of Richmond for two months successively, and posted at the front door of the former Capitol in this city.

A Copy,

Anth'y. Robinson, C. C.

[From the hurry in which our paper of Wednesday last was put to press, several material errors escaped observation, particularly in the piece signed CANDIDUS. *In justice to this writer, and as the most effectual mode of correcting them, we give his production a second insertion, with the necessary alterations.]*

For the VIRGINIA GAZETTE.

CANDIDUS—No. III.

Concerning the Bank of Virginia.

IN my former communications, I have endeavored to convince my fellow citizens, that the power of voting which is given to the treasurer as the representative of the state's 3000 shares, ought not to be considered fatal to the popularity and operation of the system. I am aware that many members of the late legislature, have most exultingly expressed a different opinion. They say, and pretend to believe, that this power of the treasurer will enable him to counteract the intrigues of the federalists and foreigners, who are the common enemies of the country, with many other speeches which sink and degrade the character of a legislator below the dignity of remark or reply.—The indecorous language of such men, will always revert on themselves. Let them, if they can, enjoy the ignoble triumph of having made speeches, which nobody regarded; and let those who are friendly to the honor and prosperity of their country, examine and determine upon the law as it is. To the community it is of no sort of consequence, whether these dreamers have given salutary votes from ignorance, accident or design. The errors of their understandings, cannot alter a right which is sanctioned by their legislative votes. Nor will the power of truth or the force of figures be weakened or changed, because such as these do not understand the first rules of arithmetic. I will pause but a moment, and ask these sage politicians, whether they really believe that a man, who is rich in private worth, and in his country's honors, will all at once forfeit the well earned laurels of a long and meritorious life, to become a factious intriguer, merely because they have said, that it was upon this expectation that they voted for the law? No—no. When one honest man is enthroned in the bosom of an individual, she will scarcely hold her station, even though the man may be beat upon by the storms of political discord, or overwhelmed by the seas of misfortune.

I know it will be pretended, that the treasurer will be expelled from his office if he does not gratify such theorists. And can it be believed by any man of common sense, that the treasurer of Virginia shall lose his place because he will not condescend to forfeit his honor? If it should be so, how will the circular letter writers explain it to their constituents? Will they say that they have expelled a veteran in virtue and integrity, because he would not disgrace himself and hazzard the interest of his country in giving confidence to their particular friends, who, by the bye, did not deserve it? On the other hand, the treasurer might return to private life, and say with Francis of France, All is lost, except my honor. Here I will close this point, and will endeavor to shew, that the influence and interest of the commonwealth in the Bank, will operate to its credit, and will tend to increase its profits by much more than if these were withdrawn.

The 10th section contains the following:—

"Sec. 10. And be it further enacted, *That the bills or notes of the said corporation originally made payable, or which shall have become payable on demand in gold or silver coin, shall be receivable in all payments to the state of Virginia*; and the public monies of the state, shall be constantly deposited in the Bank of Virginia, whenever lying inactive."

State Guarantee.

I do not pretend to know what were the motives of any of the members for their votes; nor to say that this section contains either more or less than each member understood it to contain at the time of voting.

The words of the law, in the very plainest terms, declare, that the notes of the Bank of Virginia, shall be receivable, not only in payment of taxes, but for any other debt which may be due to the commonwealth—So that, if by any unforeseen calamity, the Bank should fail, or should meet with any other disaster, the commonwealth, by the plain construction of this section, will be bound to receive the notes, in payment of taxes, and likewise for any other debts due to the public until all the notes are satisfied; and the honor of the country will impose it as a duty upon future legislatures to provide for the payment.

I know it will be urged that the legislature, in such a case, would pass a law to prevent the notes being received in taxes. So likewise a law or laws might be passed for the division of property, or for any other flagitious or dishonorable purposes. But do persons who answer in this way believe themselves? And if they did, would they reside in a country which they considered to be rushing so rapidly into the depths of depravity and dishonesty? Would they not remove with their families and their fortunes to some other country? Most surely. The tranquility and security which exist, and the promptitude at getting substantial possessions in this country, speak in plain language, which clearly proves that they do not believe themselves. Why then do they endeavor to lessen and depreciate that country which gives them protection—subsistance, and affords an opportunity to acquire wealth? Why do they extend the parricidal arm against a fostering and indulgent parent? If the allurements which the Bank offers are not equal to their wishes—if a few individuals have given way to fears, or suspicions, which have destroyed their own confidence in the institution, and may extend to others—how much more patriotic and praiseworthy would it be to check this destructive influenza in language like the following: "I am better "satisfied to keep my money in another way. Yet "for the sake of the public, and for those who "may promote this institution, I hope it may prosper; and have no doubt that such will be the "case, if it shall be well conducted."

It ought to be recollected, that for many years, some popular men, of acknowledged talents and great influence, have exerted themselves with zeal and industry, to impress on the minds of the Virginians, that the system of Banking was a federal contrivance, designed for the sole purpose of sapping the principles of republicanism, and destroying the liberties of the people. We ought, therefore, to rejoice, that there is so great a change in the public sentiment, as to have obtained a law with so few objections. I do not mean from this, that those who have money should all at once become so patriotic, as to risque it upon a scheme which does not entirely meet their approbation. All that I have endeavored to do is, to shew, that the evils which are dreaded, either diminish or vanish as they are approached and examined.

On the other hand, it seems to me, that the guarantee of the state, as it appears in the 10th section, which has been already noticed, will operate most powerfully in favor of the establishment; and it will certainly be an inducement for borders and for strangers to deposit their money, in the hands of men whose fidelity is guaranteed by an independent and rich country, whose wealth and resources are daily increasing. The certain consequence of which will be, that those who wish to place their money in the most secure situation, will prefer the Bank of Virginia to any other. Let any man who neither wishes nor expects, an appointment, to promote a friend, or to be personally benefitted by dealings with the Bank, judge calmly and impartially between a deposit at Richmond in a Bank guaranteed by the commonwealth of Virginia, and guarded by an Argus of more than 100 eyes, and another Bank which depends only upon the prudence and integrity of the directors; and he will, if he is not led away by prejudice determine in favor of the Bank of Virginia. Such a man will not be alarmed if he is told that the treasurer of Virginia is ex officio a director, and has a considerable influence in chusing the other directors. He will ask what kind of a man the treasurer is, or, is likely, the future treasurers will

be, and he will find nothing to fear or condemn, but much to increase his confidence.

Besides, the legislature can at any time relinquish any part of the power which is now reserved, and they will not fail to do so, if upon experience it shall be found that the interest of the institution will be thereby promoted.

The true question which ought to be considered is the following. Is it better to support the institution as it is, with all the substantial advantages which exist, connected with the hypothetical objections; or to reduce the capital to 1,200,000 dollars, withdrawing all the rights, responsibility, aids and influence of the commonwealth, and leaving the law to take its chance, depending altogether upon the prudence and integrity of the stockholders and directors?

Every man, who neither wishes to exercise an influence, nor to promote the personal interest of others, must perceive, that his security, under the law, as it is, would be preferable. If so, the objections to the law must proceed from individual or local policy, which ought not to have a commanding influence on a question of so much public and private importance—a question, in which national prosperity is so much concerned.

Notwithstanding my present convictions, I pretend not to infallibility. The law may contain latent lurking evils which I have not perceived. Let those who think so unfold them, and I will not hesitate, if it be so, to acknowledge their force, or even if necessary to make a recantation. My appeal is made to the candor, good sense and patriotism of my fellow citizens. Let those who possess different opinions *go and do likewise.*

CANDIDUS.

For the VIRGINIA GAZETTE.

To Mr. GEORGE HAY.

(Conclusion of 2d letter.)

But, merriment and syllogisms aside, it is obvious, that Burn's opinion, from your own statement, (I possess no other mean of ascertaining it) is, that the words "not of good fame" include such offences only, as have an immediate, not a remote relation, to the peace; such as, if committed, would actually constitute a breach of the peace. The imputation of a different meaning implies an absurdity in the expression *such offences only.* For all offences, nay, every action of a man's life, however innocent or laudable, may, by consequence, occasion a breach of the peace. This is a truth of such extensive applicability; all the actions, a man performs, have such connection with each other and with the actions of his neighbour, and these again with the actions of others; all mutually giving and receiving birth, character and modification to and from each other, and extending their connection and influence to future actions of succeeding generations, that I may venture to affirm, that if Julius Cæsar had never invaded England, Callender's head and the peace would have remained unbroken by you to the present day.

The next author produced is Lord Coke. He expressly declares his opinion to be, that the words, "not of good fame" extend to those persons only that "be defamed and justly suspected of an intention to break the peace." This opinion of Coke is expressed in terms too plain to admit of misconstruction: You therefore undertake to show, that it is erroneous and absurd. You say that "before "the statute under consideration was passed, security for keeping the peace might be required "of persons suspected of an intention to break it. "If, therefore, his construction be correct, if the "statute is to be restricted to those only who are "justly suspected of an intention to break the "peace, it is nugatory in itself, and the enaction of "it was superfluous. Nothing can be done by "virtue of the statute which would not be done "before. Surely, conclude you, it requires no "argument or authority to prove that a construction of a statute which, in effect, repeals it, is utterly inadmissible."

Let us apply this principle of interpretation to the act of assembly, which, in your opinion, grants the power of binding to their good behaviour, printers suspected of a libellous intention. This act, you say, was passed in the year 1792. Before which time, as you likewise state, the English statute, under consideration, was in force in this commonwealth. Now, Sir, instructed by you, I aver, that your construction of the act is erroneous and absurd: for libellers could be held to security, as you are now proving, under the statute before the act passed. The act is, therefore, nugatory in itself, and its enaction was superfluous. Nothing can be done by virtue of the act which would not be done before by virtue of the statute. Surely, conclude I, it requires no argument or authority to prove, that a construction of an act, which, in effect, repeals it, is utterly inadmissible.

Thus, Sir, you perceive, that over-anxious to invalidate the opinion of Lord Coke, you have completely refuted your own. You should have been better warned by the example of Sampson, the strong, who, in his ardour to destroy his enemies, whelmed them and himself in one common ruin.

This rule of construction, converting to *dead letter* every law, which might contain, even, half a sentence explanatory or confirmatory of what was understood to be law before, would, if applied, generally, to the laws of this state, leave us only the first rude outlines of cruel regulation. It would, indeed, reduce to a skeleton any code in the world. The English statutes would all fall before it. Nothing but the common law, in its easiest, rudest and most barbarous shape, could withstand its violence.

It is by an argument founded on this absurd, wild principle of construction, that you attempt to show the fallacy of Lord Coke's opinion. It requires sounder props than this to support your tottering system.

After Coke you mention Blackstone, Lambard, Hawkins, Dalton and Bacon. Some of these authors, according to your statement, have expressed opinions, which, by the assistance of a few syllogisms, may be brought nearly parallel with yours. But, as you have not thought proper to quote the express words of either, and as you possess rules of interpretation peculiar to yourself, I shall, in order certainly to avoid the vain labor of discussing a non-entity, pass on to chief justice Prat: who is the last authority you consult.

In the case of Wilkes, a member of parliament, who was arrested for a libel, the judge concludes his argument and determines the question before him, in the following words: "On the whole, it is "absurd to require surety of the peace or *bail* in "the case of a libeller, and therefore Mr. Wilkes "must be discharged from his imprisonment."—This opinion is expressed in words as plain and unambiguous, as the English language can furnish: but it stands in direct opposition to your doctrine, and must therefore be perverted or overturned. With this view, you observe, in the first place, that "it "was pronounced by Prat, in presence of an in "numerable croud, who felt a lively sympathy "in behalf of the prisoner, and who expressed "their exultation at his discharge, by loud huz"zas, in the presence of the court." Hence you would insinuate, that the judge was influenced, by an undue regard to popular applause. But this insinuation is obviously founded on two mistakes:—first, that of cause for effect. The determination of the court was the cause of the exultation of the croud. Your observations assuming the reverse, make the effect to exist before the cause: which is absurd. The other mistake consists in the supposition, involved in your argument, that there was any connection whatever between the opinion expressed by the judge, concerning libellers in general, and the clamorous exultation of the people, who were present at the trial. The joy and shouting was occasioned by the discharge of the prisoner; certainly not by the opinion of the judge, on an abstract question of law. This must be admitted by you; for a contrary supposition would be political heresy in a democratic republican: it would represent the people as shouting their approbation of an opinion, which you are now proving to be erroneous: this would contravene the central maxim, in the system of democratic politics, that *the voice of the people is the voice of God.*

It appears, then, that your reflection on the judge is as groundless as it is inurbane.

Determined, however, to set aside his authority, you affirm, that he mistook the question before him; which was not, whether Mr. Wilkes might be bound to his good behaviour, but whether Mr. Wilkes, being a member of parliament, might be bound. It must be supposed, Sir, that the chief justice possessed as correct a knowledge of the question, on which he was to decide, and of the situation of Mr. Wilkes, as you can possibly possess. Indeed, I think you treat his Honor with unmerited incivility. It is true, he has pronounced an opinion which must be troublesome and embarrassing: but you should recollect, that he could not have intended you any injury: that it was impossible for him to foresee that you would ever be interested in the question he was then determining.

I intended to avail myself, in the course of our controversy, of the decision of the court of Henrico, as being nearer home, in the case of Hay versus Callender. But the argument, by which you have refuted the opinion of Prat, will overturn all authority, derivable from judicial decision. You will say, at once, that the court of Henrico mistook the question before them: which was not, whether Callender might be bound, but whether Callender, *being a Scotchman*, might be bound. Even had their determination been thus expressed, you might still have objected, that it was most sufficiently explicit, and affirmed, that the question was, whether Callender, being a Scotchman, and, formerly, a most meritorious and egregious republican, worthy of all acceptation and patronage, but, lately, an apostate from that party, and, of course, the quintessence of moral turpitude, might be bound. Indeed the principle might be extended to the ridiculous necessity of giving the biography, in full, of every person, on whose case a judicial determination was made.

We have now, Sir, finished this tedious examination of authorities: and what is the result? Have we found, that the words "not of good fame," in the English statute, embrace libellers? We have not. The preponderance of authority is, obviously, on the negative side of this question. Have we found that the legislature of this state, "in copying these "words of the statute, had recourse to a phrase, "the meaning of which had been long ascertain"ed?" We have found the contrary. Every author we have consulted on the subject, gives an interpretation peculiar to himself. Had you introduced me into the tower of Babel, I scarcely could have witnessed a greater diversity of language: and you would make confusion more confounded, by endeavoring to gag every man, who did not speak in a dialect, exactly to please you.

In the next place, you refer to the judicial practice in England: and it were reasonable to expect, from this source, decisive information of what has been generally understood to be law, on the subject of libels. For in England libels have been more frequently the subject of judicial cognizance, than in any other country, probably than in all other countries, added together, in the world. But here we are surprised to find only two cases produced; and these totally inapplicable to the subject of enquiry. The cases are, the King versus Redpath, and the King versus Franklin: in both of which you say security was demanded.

In the examination of these cases, the following observations occur.

First, it appears, from the King being the party complainant, that the libels, for which these persons were arrested, were against the King, or other officer of government: which is considered, as likewise appears from a quotation you have made for a different purpose from Coke, an offence of much greater magnitude than a libel against a private individual. If, therefore, it were proved, that in the former case, a libeller might be held to security, it would still remain to be proved, that he might in the latter; which, only, is applicable to our subject.

In the next place, it may be observed, that Franklin and Redpath were probably arrested, on indictment: which places them on ground quite foreign from that of discussion. And further, may not persons, indicted for any misdemeanor whatever, be held to security, at common law? If so, the cases quoted are still more remote from the subject of our enquiry; which is the practical construction of the words, "not of good fame," in the statute of Edward 3d.

Nor are the cases, above mentioned, of the King vs. Redpath and Franklin, more applicable, in a ludicrous point of view, to the case of Hay vs. Callender. You are, it is true, one of the sovereign people; but entire sovereignty cannot be predicated of you, in your individual capacity: we cannot, with propriety, say Sovereign Hay or King Hay vs. Callender. In order to ascertain the portion of sovereignty, which belongs to each individual of a republic, we have only to place the census of the whole number of citizens in that republic as the denominator of an unit, as the nume rator of a regular fraction, and the *desideratum* is expressed. For instance, if there be, in Virginia, 300,000 citizens, you are only one-three hundredth part of a sovereign; which, even when added to the still more minute portion of sovereignty, which appertains to you, as a citizen of the United States, is not deemed worthy of further consideration.

Lastly, it may be observed, that you seem to have lost sight of the proposition, you undertook to maintain. The cases quoted are taken, you say, from the "practice of courts of the first dignity in England," and your proposition is, that security may be required by a *justice of the peace.*

Let us recur to the question: I call for a single example, in the annals of English jurisprudence, of a justice of the peace binding to his good behaviour a person suspected of an intention to publish a libel against a private individual. You produce no such instance. Nor can any such be produced. Although unversed in law, I make the affirmation with confidence. Had there been any example of the kind, on record, you could not have failed, during twelve months laborious research, to have found it; nor when found, would you have failed to hold it up, in triumph.

It is now, Sir, perceived, with certainty, that you have entirely failed, in your attempt to show, that the measure in question is authorised by the law or judicial usage of England.

But had the result been different; had you shown, that it was universally understood to be law, in that country, that a person, suspected of an intention to publish a libel, might be bound to his good behaviour, by a justice of the peace: had you produced fifty cases, in which this power had been actually exercised; you would, nevertheless, have advanced scarcely a single step, in maintaining your proposition, when applied to this country.—English statutes are not in force here, nor is there a constitutional provision there, sanctioning the freedom of the press. The people of this country have declared, in their highest sovereign capacity, that *the press shall be free.*

To show, that its freedom would be impaired, by the operation of the antidote, you propose against its licentiousness, will, probably, be the object of a future communication, from

Sir, with due respect,

A CITIZEN OF HALIFAX.

January, 1804.

MR. TRACY'S SPEECH

IN THE

SENATE OF THE UNITED STATES,

Friday, December 2, 1803.

ON THE PASSAGE OF THE

AMENDMENT TO THE CONSTITUTION.

(Continued from our last.)

As well then to secure the rights of the minority, as to check the intolerance of the majority, they placed the majority in jeopardy, if they should attempt at grasping all the benefits of a president and vice president within themselves to the total exclusion of the minority. The very case which happened at the last election was contemplated, in which the majority attempted totally to exclude the minority from any participation. The language of the constitution to such majorities is, "take care that you aim not at too much, for if you do, it is put in the power of the minority to check you, and by a judicious disposition of their few votes, determine the choice of president." To avoid this event the majority will probably be cautious in the exercise of power, and thus the rights, the proper weight and influence of a minority are secured against the conduct of a majority, which is certainly liable to be intolerant and oppressive. In this respect the spirit of the constitution is, political moderation. And it is clear to any mind, that the experience of the last election has taught a lesson to all majorities, which will, in future completely, secure them from again incurring a similar risk. I recollect well, that it was thought probable, when the electoral votes were given, that Mr. Burr would have a vote or two in some of the eastern states. If he had received but one, he would have been by an electoral choice, the constitutional president. If the majority in future have the powers of recollection, they will undoubtedly avoid the evil, if it is one, which happened at the last election, with such unfailing certainty, that there will be no need of the remedy proposed by the amendment. But the majority say, if their votes are so scattered for one candidate as to avoid this danger, that another will be incurred; and that is, the minority will elect a vice-president. The language of the constitution to them, is again, "that this was meant as a security for the minority against the majority." But the majority exclaim against both these provisions, as very unreasonable indeed: "what," say they, "are minorities to govern majorities?" The answer of the constitution is "no, but their due weight and influence shall be secured to them, and the danger of your intolerance guarded against."—For the security of small states and minorities, there is, in the constitution a mixture of the federative with the popular principles. And as it is well known that, when popular majorities alone prevail, and exercise power uncontrouled by constitutional checks, the minorities, who generally possess their proportion of integrity and virtue, are overwhelmed, and liberty itself, by the same means, destroyed; so it is in kindness to both parties, to the country and to humanity, that these wholesome checks are constitutionally provided.—Had the majority, of the great states, been willing, fairly to have submitted to the constitutional checks in the last election, no evil could have happened.—And it is remarkable that the constitution completely protects them, as long as they obey its precepts, in the creation of which they had an agency and to which they have solemnly agreed. To prove that I am correct in these ideas, I not only refer to the constitution but to the secretary of state (Mr. Madison.) In the Virginia debates, vol. 1, page 95, he says, "But on a candid examination of history, we shall find that turbulence, violence and abuse of power, by the *majority trampling on the rights of the minority*, have produced factions and commotions which, in republics, have more frequently than any other cause produced despotism. If we go over the whole history of ancient and modern republics, we shall then find their destruction to have generally resulted from those causes.—If we consider the peculiar situation of the United States, and what are the resources of that diversity of sentiments which pervades its inhabitants, we shall find great danger that the same causes may terminate here, in the same fatal effects, which they produced in those republics. This danger ought to be wisely guarded against: Perhaps, in the progress of this discussion it will appear, that the only possible remedy for those evils, and means of preserving and protecting the principles of republicanism, will be found in that very system which is now exclaimed against as the parent of oppression."

Mr. President, it has often been said by the discerning and judicious of this and other countries, that our constitution, for its brevity, its comprehensiveness, its perspicuity, and the political skill contained in it, was the best paper extant. I believe all this, and even more is a tribute justly due to its merits; and I am persuaded that the article which fixes a mode for the choice of a chief magistrate, stands most prominent among its excellencies.

Let us now, sir, examine and compare the merits of the amendment with a special reference to this last view we have taken of the constitutional provision.

The amendment authorises the electors to vote for a president, and for a vice-president by specific designation. Is ambition in your country? Here is a direct and inviting object for its operations.

Is the integrity of your electors assailable? You place it here in the most encouraging attitude for an assault. A fear of detection, and a sense of shame, upon the exposure of an improper action, has been, perhaps a better security against political errors or crimes, than all the moral virtues united, when the temptation has been attended with an impossibility of detection. An intrigue with an elector can be carried on without much danger of detection; but when your election is carried in the house of Representatives, besides the ordinary weight of character in favor of the members of that house, a detection of an intrigue with a candidate is almost certain. It will be recollected, that at the last election, two or three members held the choice perfectly in their own hands. If I mistake not, three gentlemen, that is, a member from New-Jersey, a member from Vermont, and one from either Maryland, Delaware or Tennessee, could have given a president to the United States. The particular gentlemen mentioned were above suspicion of bribery; but in addition to this circumstance, if they had in the contest gone over from improper motives, or under the influence of a bribery, a detection was certain.

This will remain forever, the criterion, as it respects the relative danger of intrigue and bribery, in the two modes of choice. And the amendment is avowedly intended to secure a choice by electors, and to prevent a resort to the house; because says the gentleman from Virginia, (Mr. Taylor) "If you permit the election to go into the house, there, are small states and minorities, and all the evils of a dist election;" meaning that corruption must be the consequence. But he says, "let there be a divided election, by the electors, meeting by states separately, and you lessen the tendency to corruption." This may look plausible in theory, but I think practice will show its fallacy.

It may be better for the electors to meet by states, than for all to be together, but this can never prove that they are less liable to corruption than the House of Representatives; which is the only point in question.

The manner of electing the vice-president, as proposed by the amendment, not only invites ambition to an unchecked operation, but exposes us to the selection of a less important, and more unfit person, than the constitutional provision. In addition to his importance in the government arising from his incidental succession to the chief magistracy, the vice-president is ex-officio, president of the senate, and gives a direct influence to the state from which he is chosen, of a third vote in this body, in all cases of equal division, which are usually the cases of most importance. Besides, his influence as presiding officer is, perhaps, more than equal to the right of a vote. It becomes therefore peculiarly important to the small states, and to minorities, whose security rests in this body, not only that their influence in the election of vice-president should not be diminished, but that no measure be adopted, which may tend to bestow the office upon an unworthy character. By the proposed amendment, this character must necessarily become a sort of make-weight, and stepping stone for the presidency. As in recruiting for an army, a man, active, and of a peculiar cast of character, but not very proper for a commander in chief, is employed to obtain recruits, and upon condition that he obtains a given number, is to be rewarded with a serjeant's warrant; so in this case, the man who can procure a given number of votes for president, will be encouraged to hope for the vice-presidency; and where will such characters be sought after? In Delaware or Rhode-Island? No, sir, but in the great states; there the recruiting talents will be put in operation, because the numbers of recruits, or votes, will be sufficient to taste his active and recruiting merits. And thus the office of vice-president will be sent to market, with hardly a possible chance to meet an honest purchaser.

I have already remarked upon the alteration made by the senate in the resolution passed by the

house of representatives, changing the number five to three: but one addition made this morning deserves attention; I mean that which authorises the vice-president to administer the government, in case neither the first nor the second constitutional electors effect a choice of president.

This is a new principle, and its operation is more uncertain than that of any other part of the proposed amendment. Viewing it in one point of light, it may be thought to confer a new power upon the senate; that of giving a president to the union.—And it is said that this part will recompense the small states, who have the ascendancy in the senate, for the injury inflicted by the other parts of the amendment. If it be true, that the last part restores all which the former parts have taken away from us, it is inconceivable why any man can wish to pass a resolution, the parts of which thus mutually destroy each other. It is possible, that by the force of intrigue and faction, the electors may be induced to scatter their votes for both president and vice president, in such manner as to present several candidates to the house for president, and two or more to the senate for vice-president. In which case the senate might immediately choose or select a vice-president. In this state of things there is an opportunity afforded for an intrigue of a very extensive and alarming nature. The senate, I mean a majority of them, might wish that the man whom they had elected vice-president should administer the government; and if the house could be prevented from agreeing, their wishes would be gratified.—Their facility of *preventing* over that of *producing* a choice is very obvious.

A bold address may be made to any member of the house, without wounding his pride or offending his morality, to adhere to his candidate, and not change his vote so as to effect his choice. He can be told that there is no danger of having the United States without a President, as there is no one already chosen to his hand by the senate; and this person may be more the object of his wishes than any of the other candidates, his favorite excepted. In this process the senate may give a president to the United States.—But if the probability of such a process and such an event is increased by the amendment of this morning, it certainly cannot greatly recommend it. For myself, I wish for no alteration in the constitution, not even if its operation were directly in favor of the small states, more especially if such a favor is to be derived through a sort of double conspiracy of intrigue; in the first place to operate on the electors, and then on the house of representatives. It seems to me that the small states had better be contented to enjoy the rights now secured to them by the constitution, which they can *honestly* do, rather than submit to a deprivation of their rights, for the sake of *dishonestly* obtaining a restoration of them. We may charitably and safely conclude that the majority do not intend, by this part of the amendment, to expose the country to such a scene of iniquity.—And the uncertainty of its operations alone is, in my mind, a sufficient ground for rejection. However the operation of this part of the amendment may appear in theory, as to other points, it seems to me that in one point all must agree, and that is, when the house of representatives know that the United States will be left without an executive magistrate in case they do not agree; this awful responsibility will speak in a voice too loud for the hardihood of party entirely to disregard. And may I not suggest, without giving offence, that the operation of this very responsibility has been proved, at least in some degree, in the proceedings of the last presidential election?

If this last mentioned security be worth preserving, it follows of course, that the part of the amendment alluded to, ought not to pass.

(Mr. Tracy's speech to be continued.)

NEW-YORK, February 13.

From Amsterdam.

The ship Andromache, capt. Pierce, arrived on Saturday, left Amsterdam the 3d of December. The accounts by her from Europe are only a few days later than before received. Nothing decisive had taken place relative to the invasion of England. Preparations for that purpose, however, were still continued. On the 30th of November a draft was made of 12,000 men, as the quota demanded of the Batavian Republic by the French. A number of Dutch vessels at Amsterdam had been hired by the French government, to transport troops to England. The French (good souls!) to induce the Dutch crews to volunteer their services, besides receiving a stipulated sum, promised them a certain proportion of the *plunder*, if the invasion should be successful. A report prevailed at Amsterdam, that the Brest fleet had sailed. This report is extremely improbable—but if they should venture out, the English will, no doubt, give a good account of them. The Elbe was still blockaded. A war with Spain was expected.

Capt. Furman of the ship Live-Oak, arrived a few days since from St. Domingo, informs us, that when he left there, the boats of a 74 gun ship, were attacking a sloop with Spanish passengers, bound to Porto Rico, under the guns of the fort.

LATEST FROM EUROPE.

Last evening arrived here the ship Halcyon, capt. Rosseter—She left London the 26th of November, and Cowes the 4th of December, and furnishes London papers to the 2d, four days later than before received. They afford nothing new. Every thing remained as per former advices.—Passengers in the Halcyon, Messrs. Thomas Butler, E. Smith, Ephraim Talbot, Thomas M. Parke, Spence Shaw, capt. Robert Gray, James O'Hara, and Miss Rebecca M'Namara.

London News.—By the politeness of Mr. E. Talbot and Capt. Rosseter, of the Halcyon, Lloyd's list and prices current, as also regular files of London papers to the evening of the 2d December inclusive, are received.

The invading enemy was still daily expected, and every dispatch brought additional news respecting the forward state of their preparations. The gun boat flotilla at Boulogne is particularly mentioned as being frequently exercised in the outer harbour.

A postcript to Lloyd's Evening Post of December 2d, states that accounts from Flushing, there were 40 gun boats ready for sea, and many more daily expected from Holland: 5000 troops completely ready, and full of eagerness and ardor to embark Bonaparte, it is added, has been in Holland, and was incessantly occupied in the inspection of the armaments to be employed in the expedition.

A private letter from the Hague, of the 10th November says:—General Victor yesterday informed the Directory, that within 24 hours, he must have 500,000 florins on account of the pay due to the French troops encamped between Utrecht and Amersfort, in North Holland; and that if the money was not paid before eleven o'clock this day, he would order the troops to march to Amsterdam, there to pay themselves in the bank. Couriers were immediately dispatched to Amsterdam and Rotterdam; and several rich Jews and other wealthy individuals, were invited to wait upon our minister of finance, to consult about raising the money. Much anxiety and doubt prevailed. At length, at two o'clock this morning, 350,000 florins were procured, as report says, at an interest of nearly 25 per cent. which, with the 150,000 florins in the national treasury made up the sum demanded by Bonaparte's armed pro-consul. Four waggons loaded with this money, or, as some think, with only a part of it, went away this morning, at ten o'clock, under the escort of a party of French hazzas. They took the road for Utrecht. The pay of our own army is three months in arrear."

The prohibition against the importation of British merchandize, has been found so injurious to the interests of Holland, that, evidently with the view of indirectly favouring its introduction, the legislative body, on the 28th of October, passed a decree "for suspending till eighteen months after the peace with Great Britain, the ordinance of the States General, dated December 5, 1784, which forbids the subjects of the crown of Sweden to import into this republic, on board their own or foreign ships, freighted on their own account, any merchandise, unless they are productions of Sweden or its colonies."

The reports brought of the damages lately sustained at Madeira, are said to have greatly exaggerated the facts. It is true, that at the time mentioned, a very heavy rain, of two days duration, fell in that island; and that the consequent current from the mountains was productive of considerable injury; the extent of which, however, was by no means so great as had been represented.

Letters from Malaga, via Lisbon, dated the 16th November, state, the malignant fever brought there by the French transports still raged in that quarter of the city towards the harbour.

The Lord Lieutenant of the county of Edinburgh has issued a proclamation, directing the necessary steps to be taken for removing from the coast, all cattle, and destroying all articles that might be serviceable to the enemy in the event of their landing in the Frith of Forth. Notice has also been given by his lordship that signal stations to alarm the country are established at Braid Hill, Roman Camp, and Corstorphine Hill, at each of which there are three different signals for the day, and two for the night.

In the House of Commons, November 30th, the chancellor of the exchequer obtained leave to bring in a bill, restraining the bank from making payments in specie. In the debate on this motion, the sagacity of circulating specie was particularly mentioned; as also the want of confidence evinced by many persons who were in the habit of hoarding all the current coin that fell in their hands. Mr. James observed that "if this private hoarding was persisted in, many persons in the banking line would not be enabled to pay the fractional parts of the drafts on them." That "the conduct of those hoarders was shameful and despicable, as it evinced a want of faith in the public security, and was highly derogatory to the interests of the country."

The following sums were voted the same day, for the navy:—

For 100,000 seamen for 13 lunar months,	2,501,000
For victualing the same,	2,417,000
For wear and tear of ships,	3,900,000
For ordinance of the sea service,	325,000

Mr. Secretary York gave notice to the house, of his intentions to move for leave to bring in a bill for continuing the suspension of the Habeas Corpus act in Ireland, as for continuing the bill for the suppression of rebellion in that part of the United Kingdom.

The detention and imprisonment of Gen. Boyer, in Scotland, has been mentioned; and also the intention of the French government to treat some important English nobility in a similar manner. Lord Elgin was selected for that purpose, but it is stated that on the interference of Talleyrand, the First Consul had consented to take Sir James Crawford as a hostage instead of his lordship.

The accounts stated in the former British papers of a general and formal application made by the legislative bodies to Bonaparte, petitioning him not to risk his person in the expedition to England, and of his assenting to their request, is declared by the papers now believed to have been a mere quiz.

The Irish rebel chief Dwyer, is stated in Dublin accounts still to engage the attention of government, and that a reward of 100 guineas had been offered for his capture.

The expectation of a war between England and Spain, appears by these papers to be less considerable.

The article of intelligence from Venice stating that an English flotilla from Malta had appeared before Alexandria, and landed with consent of the Beys several thousand troops, which were put in possession of the forts around Alexandria, is said to be certainly without foundation, as the whole British force at Malta is stated at 4000 men.

A violent storm on the British coast is mentioned under date of Plymouth, Nov. 29, in the following terms.

Last night it blew a most tremendous gale of wind at S. W. accompanied by the most loud and dreadful peals of thunder and vivid lightening experienced here for many years, the sea in the sound ran mountains high, and the hail and rain incessant.—At 8 A. M. this morning the gale increased to a hurricane, and the thunder and lightening awfully grand; the ships in the sound dragged, and fired several guns in distress, but the ground being good they weathered it; at one period the lightening was so quick and vivid that the whole of Mount Edgcumbe appeared as if on fire. At 7 A. M. the wind veered round more to the westward, and the weather became more moderate; the men of war rode it out without damage, only a sloop was wrecked, all hands saved: off the Cobler's Reach, but she is towed along side the Pier Head, which contributed by their construction much to the safety of the numerous shipping in Sutton Pool. Much wreck may be found on our iron bound coast, as two convoys sailed yesterday, and must have met the fury of the gale in the channel; and several ships and brigs passed the sound yesterday, previous to the gale to the westward; the whole coast of Devon and Cornwall being a lee shore, with the wind at S. W. or S. S. W. and if a vessel is embayed, there is not the least chance of escaping being wrecked and knocked to pieces on the rocks.

PHILADELPHIA, February 15, 1803.

The late inundation at Madeira, has excited various conjectures as to the cause of it, but by late information from the island it is ascribed to an improvement the governor attempted to make in the rear of the city.—The ground surrounding it being very much broken and intersected by vallies, he concluded to fill them up, and for that purpose ordered dams to be thrown across to retain the earth which descended from the hills—The consequence was these dams stopped great quantities of water, the weight of which broke the first dam, when the water rushed through the other with irresistable force, sweeping every thing into the sea within its direction.—Two hundred houses, supposed one with another not to be less than 50 feet front and nearly contiguous were carried into the ocean, together with every inhabitant in them, so that not a vestige was to be seen after the ruins, either of the buildings or the people. A Church, which had stood the storms of 300 years, was carried off in an instant, and what was very singular the Bell-man was ringing at the time in the steeple which remained without injury, though the Church was raised to its foundation, which he was wholly ignorant till he came down from his exalted station.

About ten thousand pipes of wine were carried off or buried so completely with the rubbish that none could be found. An English family of sixteen were lost in one house and not one of them ever heard of.—The number of lives this sorrowful disaster cost the island was not ascertained, but supposed from one to two thousand. Corpse were dug up daily; and it was common to observe ladies of the first character, walking the streets barefoot, in consequence of solemn vows they made to do so for a limited time, if their lives were spared, in token of humiliation. The gentleman who gives the above information, says he found the shore rocky, where he transacted business in houses and ware houses when he was last at Madeira.

The Virginia Gazette.

—RICHMOND—

SATURDAY, FEBRUARY 25, 1804.

The number of advocates that have lately appeared in the public prints, to espouse the cause of British impressment, excites the most lively indignation. We neither know nor can penetrate this mysterious combination of despotic scribblers.—That a practice which receives the severest censure, even in the London papers, should be eulogized in the American prints, is certainly a circumstance of common astonishment. The Philadelphia papers inform us, that several persons have been lately arrested in that city, for the nefarious crime of kidnapping seamen. Ought not this circumstance alone to excite in our minds the most horrid detestation at such a practice, and cause our legislature to enact the severest punishment against the commanders of all foreign vessels who encourage it? There would be no *kidnappers* in our seaport towns, were there not *paymasters* for them.—We do not pretend to say what description of characters encourage this *traffic*; but we trust, be they who they may, that the severest punishment shall be inflicted on all who may be discovered.

Can a more melancholy fate be conceived to fall on any industrious citizen, than to be surprised at midnight in the street, at his labor on the wharf, or perhaps decoyed into some house, where a gang of ruffian sailors are ready to gag his mouth, bind his arms, and then convey him aboard a foreign vessel of war, where he is doomed to the worst of slavery; and the most cruel punishments? What person who ever knew what freedom was, can seriously be indifferent at the idea of such crimes? But we believe Philadelphia is not the only city in the union where *kidnappers* at present only live, but are in a manner openly encouraged both by foreign and domestic agents.

The Legislature of the state of New-York have agreed to the proposed amendment to the constitution of the United States.

For the VIRGINIA GAZETTE.

A CARD FOR THE NEW-YORK HERALD.

The New-York Herald impites the Appendix to Aristides to the pen of a Virginian. If the writer of that article will read the Appendix with attention, compare the stile and the tendencies with Aristides, he will certainly conclude that they have issued from the same manufactory, if not from the same pen.

How could any Virginian write concerning the most trifling personal incidents which relate to individuals of New-York and Connecticut? Or if he could, would he do so? Such stuff may suit the taste of New-York and Connecticut—but not of in Virginia.

The recommendation to the supposed writer to employ his precious time in combing lap dogs, watching monkeys, and washing kittens, does not corres-

pond with the character which the Editor of the Herald has heretofore supported. If it be wit, it must be of the lowest kind; and of that sort too, which will sink the reputation of the Herald to the very grade of the man whom it attempts to ridicule

A VIRGINIAN.

With the sincerest regret we observe in the Philadelphia Gazette, the death of Dr. Priestly. The melancholy event is announced in the following letter to Dr. Woodhouse of the University of Pennsylvania, from Thomas Cooper, son-in law to Dr. Priestly—

"Dear Sir,—Your old friend Dr. Priestly died this morning without pain, at 11 o'clock.—He would have been 71 had he lived to the 24th of next month—He continued composed, cheerful and good tempered to the end. For some days he had been certain of his approaching fate.

"P. S. Dr. Priestly desired his son to inform you that water imbibed 760 times its bulk of alkaline water."

The simple and unaffected manner in which Doctor Priestly's death is here reported, was certainly the most suitable for such an illustrious character. The pomp of language and the phraseology generally used on those occasions, might divert the attention, but could not either impress a deeper sorrow on the mind of the reader, or immortalize in a greater degree the memory of a man whose fame will increase with time, and whose discoveries will be remembered not by one nation, or by one age, but by the whole world and all succeeding generations. Like Dr. Franklin, Dr. Priestly will live for ever, not only in his own country, but over all the globe.

"A London paper of November 29, says "The commissioners appointed by act of parliament, under the Convention with the United States of America, have given notice, that in estimating under the Convention the loss sustained by claimants, they will in no case allow compound interest, for the time subsequent to the period wherein lawful impediments had existed; as it might reasonably be held that such claimants would have recovered their debts.

Richmond Temporary Theatre.

FOR THE BENEFIT OF

MR. GREEN.

On Monday Evening, February 27th, 1804, will be presented, Shakespeare's celebrated *Tragedy* of

HAMLET.

To which will be added, the Musical Farce of

FLITCH OF BACON.

*** Tickets to be had as usual; and of Mr. Green, near the Theatre—price One Dollar.

TO COVER,

The ensuing season, at my stable in Chesterfield county, near Goode's and Bevil's Bridges,

The high bred well known English racer,

DRUID;

A CHESNUT, elegantly formed, near fifteen hands high, twelve years old. His performances have been equal to any Horse in England, as will appear by reference to the Racing Calendars—Will be let to Mares at Six Guineas the season, which may be discharged by the punctual payment of Twenty Dollars during the season; Three Guineas the leap, to be paid down; and Ten Guineas insurance; and One Dollar to the Groom in each case—The insurance money demandable if the property of the Mare be changed after the 1st of August next, at which time the season will expire. Good and extensive pasturage, and the board of boys sent with mares, *gratis*; but I will not be responsible for escapes or accidents. Mares will be fed on moderate terms, if required, for which the money must be sent.

Thomas Branch.

February 22d, 1804. 04w8w

DRUID was bred by Earl Grosvenor, and got by Potooooooo, (son of Eclipse) his dam (the famous Maid of Oaks) by King Herod; his grand dam, Rarity, by Machem; his great grand dam called Snapdragon, by Snap; his great great grand dam, by Regulus; his great great great grand dam by Bartlett's Childers; his great great great great grand dam by Honeywood's Arabian, out of the dam of the two True Blues.

DRUID started (for the first time) at New-Market, in the Craven Meeting, 1793, for a sweepstakes of 500 guineas each, (4 subscribers) and ran a dead heat with the Duke of Bedford's Top Gallant, brother to Sky-Scraper, who the same day beat lord Egremont's Gohanna for another sweepstakes—In the same meeting, Druid won a sweepstakes of 1000 guineas each, (3 subscribers) beating the Duke of Bedford's Hydra.

In 1794, New-Market Craven meeting, Druid won a sweepstakes of 500 guineas each (3 subscribers) D. I. beating the Duke of Bedford's Top Gallant; and in the same meeting won the second class of the Oatland stakes of 50 guineas each, (21 subscribers) beating Kit Carr, Exciseman, Buzzard, Coriander, Goanna, Heroine, Patriot and several others.

In 1795, he only started once, being used chiefly as a trial horse.

In 1796, New-Market first spring meeting, he won a sweepstakes of 1000 guineas each, [4 subscribers] beating Mr. Churchill's Poet, and giving him 1stlbs. the two middle miles: The day following he won a plate of 50l. beating Lord Sackville's Sylver, Mr. Wilson's Eliza, and Mr. Lord's Mulespenner, the round course, four miles. Eliza afterwards won the King's plate and a great subscription, at York.

In 1797, Druid won the second class of the Oatland stakes; beating Viret, Spread Eagle, and many others. He also won the main of the Oatland stakes, beating the famous Horse Bevington.

In 1798, Druid won a 50l. plate at New-Market, beating Sir C. Bunbury's Grey Hound and Mr. Girdler's Hare the round course, and won the Duke of Marlborough's plate at Oxford, beating Mr. Lade's Trash, three mile heats.

TO BE SOLD.

In obedience to a decree of the county court of Amherst, the subscribers will expose to sale, to the highest bidder, on the first day of March next, on the premises, at six months credit,

A TRACT OF LAND,

LYING on Rockfish River, in Amherst county, containing between 90 and 100 acres, now in the possession of John Lobbin, to satisfy a debt due from the said Lobbin to the executors of John Hudson, deceased, the purchaser to give bond with approved security, to bear interest from the date This land is very fertile, and well worthy the attention of any one wishing to purchase so small a tract. There is a good orchard of peach and apple trees, and some other improvements thereon.

HUDSON MARTIN,
JAMES WOODS,
NATHAN CRAWFORD, } Comm'rs.

January 30. p22s.

For Sale,

A MAN, about forty years of age, who has been bred in the house, and is an excellent waiter.—Enquire of THE PRINTER.

January 22d.

NOTICE.

In the case of Ephraim Macquillen, a Bankrupt.

THE subscribers being duly appointed assignees of the estate and effects of Ephraim Macquillen, bankrupt; all persons indebted to the said bankrupt, or who have any of his effects, are not to pay or deliver the same to any person or persons than the subscribers, or to such as shall be duly authorized by them.

JOHN CUNNINGHAM, }
JOHN St. JOHN, } Assignees.

December 27, 1803.

IRISH LINENS.

good assortment of 7-8ths and 4-4ths wide

Irish Linens,

IN boxes of 25 to 34 pieces, purchased in Dublin in July, and imported by the ship Mercury, from Liverpool, for sale by

JOHN HENRY.

Richmond, 10th November, 1803.

NOTICE.

ALL those having claims against the estate of William Wingo, deceased, late of King William county, will please to make them known previous to the first day of May next, in order that provision may be made for the payment thereof. This notice will be made a plea against any demand made after after the above period.

C. Bosher,
Administrator with the Will annexed.

Richmond, January 17th, 1804.

NOTICE.

THE PARTNERSHIP OF Hill & Rea

IS this day dissolved by mutual consent, and JAS. REA is authorized to close the business. The GOODS on hand, consisting of a neat assortment, suitable for a country store, will be sold on advantageous terms to a person who will take the whole. The TENEMENT, on which stands an excellent Store, Lumber-House and Stable, will be either sold or rented to the purchaser of the Goods.

Robert Hill.
James Rea.

New-Canton, 1st Jan. 1804.

For Sale,

ABOUT 450 acres of LAND, lying on the Three Chopp'd and the River Roads, half a mile from the river at Westham, and six miles from the city of Richmond—three-fourths in woods.

This land combines the important advantages of a good soil—convenancy to the seat of government; a handsome situation for buildings, and very healthy; a good mill seat, with permission to erect a mill—an abundance of oak and pine timber, and good spring water.

The subscriber would be glad also to treat for two or three BRICK TENEMENTS, not far from the Capitol. These houses are not finished, but they will be completed in course of the spring, and one of them is now in sufficient forwardness to shew the plan of the buildings.

JOHN PENDLETON.

City of Richmond, 20th January, 1804.

4189 Acres of valuable LAND,

IN the south of Kentucke, the greater part Military, will be sold for good bonds or exchanged for property in the state of Virginia. Enquire of the Printer hereof.

December 26th, 1803.

Profile Frames.

W. BACHE,

RESPECTFULLY informs the public, that he has returned to this city with his Patent Physiognotrace, and a supply of handsome frames. His room is over Mrs. Smith's millinery room, opposite the Union Tavern, where he solicits the attendance of those who wish to have striking and correct likenesses in profile—Four for 25 cents.

January 28.

For LIVERPOOL,

The well armed fast-sailing Ship

AURORA;

WILL be dispatched with all possible speed; freight offered immediately will be received on accommodating terms. Apply to

Robertson & Brown.

6000 bushels Stoved SALT.

Norfolk, Dec. 13, 1803.

ROBERT GAMBLE & SON,

Are receiving by the ship *Fame*, and other arrivals from Europe, a general assortment of

Merchandize,

SUITABLE to the season, which they are disposed to sell on moderate terms, for Cash, Country Produce, or, to *punctual customers*, on the usual credit.

Having a large and convenient WARE-HOUSE calculated to store FLOUR, &c. those who may confide Country Produce, &c. to *their* care, are assured, that their endeavours will be used to give general satisfaction, and their charge for storage, &c. will be reasonable.

Richmond, 15th October, 1803.

BARTLETT STILL,

Is opening a General Assortment of

Fancy Goods,

In the house lately occupied by Mr. Wm. Meaburn, next door to Messrs. Ellis & Allen,

—VIZ—

Chintzes and Calicoes.	Fashionable Ribbons.
Lace Cloaks and Veils.	Silk and Cotton Trimmings.
Fine Laces & Edgings.	Satin and Lutring Umbrellas.
Lustrings and Satins.	Gloves & Glove Ties.
Silk Muslins.	Moleskin Veil Patterns.
Italian Crapes.	
Feathers and Flowers.	

Plated Ware and Jewellery.

Fine Guns & Pistols.	Gold and Silver Trimmings, new patterns.
Gold & Silver Watches, & Clocks, warranted.	

T E A, &c.

Gunpowder Tea. | of
Spanish Segars, of a fu- | perior quality.

N. B.—B. S. offers his services to his friends and the public, to transact VENDUE & COMMISSION BUSINESS. Those who may please to favor him with their business, may depend on good treatment, as great exertion will be made to give satisfaction.

PRODUCE and GOODS stored and delivered on the shortest notice, by B. S.

Richmond, December 13, 1803.

The celebrated English Stallion

DRAGON,

Late the property of his Grace the Duke of Bedford, and sire of Speculator, Tarantula, Jenny Spinner, Cicero, Phenix, Hospitality, &c. will stand the ensuing season near Farmville, at Ten Guineas, and a Dollar to the Groom for each Mare. The season will commence the first day of March next, and end the first of August following. Extensive pasturage, of superior quality, will be furnished GRATIS, and the greatest attention paid, but no responsibility for accidents or escapes. The money will be expected for the season of such mares, as are pastured, before they are removed, and not consistent with those that are not to be left with the horse, payable the first of August next. Apply to

RICHARD KNOWLES,
Agent for
JOHN RANDOLPH.

Bizarre, January 18, 1804.

P. S. Farmville is 8 miles below Prince Edward courthouse, and 35 from Carterville. Mares fed, if required.

SEEDS.

Mihron Collins

Respectfully informs his Friends and the Public, that he has just received, per the ship Shepherdess from London, a fresh assortment of

GARDEN SEEDS;

He has likewise received from Philadelphia, an assortment of

GRASS SEEDS,

Which are warranted to be of the last summer's growth, and may be had at his original Seed Store—Viz.

Red & white Clover Seed.	PEASE.
Lucern, and Timothy.	Early frame, charlton, and hotspur.
Burnet, and rye grass.	Dwarf marrowfat, Spanish moratto, glory of England, & blue Prussian peas.
Saintfoine and dutch do.	
Furze, or whin seed.	
Spring tares or vetches.	
Hemp, flax and rape seed.	Large Windsor, long pod, white Canterbury, and snap beans.
Canary, and spinage.	
White & brown mustard.	CABBAGE SEED.
Large Norfolk & summer turnip.	Early, and late York cabbage.
Green and white asparagus.	Early, and late Battersea.
White cabled endive.	Early, and late sugar loaf.
Large cabbage, & Roman lettuce.	Green, and yellow saxoy.
Brown Dutch, and grand admiral.	Large white Scotch cabbage.
Green and cos lettuce.	Large white winter do.
White lettuce.	Flat Dutch, & Madeira do
Salmon, white turnip, & large black radish.	Red Dutch, to pickle.
Blood red beet, and solid celery.	Brussels sprouts, and Borecole.
Early, & late cucumber.	Early, & late cauliflower.
Cresses, and pepper grass.	Purple, green, and white broccoli.
Large parsnip.	Sallade, and nasturtion.
Large red, and orange carrot.	Madeira, and silver onion.
	Large London Leek.

With an assortment of Flower Seeds, painted Flower Pots and Pans, jars and beakers in sets for chimney ornaments; large red garden pots and pans, blue and white glass flower bottles, &c.

Richmond, January 12, 1804.

TO BE SOLD,

By Public Auction, pursuant to a decree of the Circuit Court of the United States, for the District of Virginia, those

Valuable Estates,

In the county of Chesterfield, late the property of Archibald Cary, Esq. dec. known by the names of

Chester Hill & King's Island Slashes,

THE Sale will take place at the Eagle Tavern in in the city of Richmond, on Thursday the 1st day of March next. The terms of sale will be one fourth of the purchase money in cash, and the other three fourths in three equal annual payments, bearing interest from the day of sale, the land to remain bound in the hands of the purchasers respectively for the balance of the purchase money and to be again sold if the several purchasers fail to make payment. It is proposed to sell these two tracts of land separately and either entire or divided as may best suit the purchasers. In the Chester Hill tract will be included part of a small tract adjoining, formerly known by the name of Auburn Chase. For further particulars, enquire of Macmurdo & Fisher.

By the Commissioners.

Richmond, Dec. 28, 1803. 1aM

NOTICE.

To be sold, on Tuesday the 28th instant, at Public Auction,

ALL the personal Estate of MATTHEW MOODY, dec'd. consisting of Household and Kitchen Furniture, and two Negroes. Terms, cash, for all sums under ten dollars, and six months credit on all sums above that amount; the purchasers giving bond with approved security, to bear interest from the date, if not punctually paid.

THOMAS DIDDEP, Ex'or.

N. B. All persons having claims against the estate, are requested to bring them forward properly authenticated, and those indebted to the estate, to make immediate payment, as no indulgence can be be allowed. TH. DIDDEP.

February 3d, 1804. 2ds.

Fifty Dollars Reward.

ELOPED from Dumfries, Virginia, on Saturday the 29th ult. a NEGRO MAN, who calls himself

Joseph Barnwell,

usually known by the name of JOE; complexion dark brown—person slender and rather handsome—walks erect—about thirty years of age, five feet eight to nine inches high—has the mark of sores on his legs—of a specious and engaging address—is artful and very dishonest, and will assuredly rob whoever may be so unfortunate as to employ him;—his clothes not known, but has a pair of half boots nearly new, very sharp pointed at the toes, and is in the practice of dressing gay. He has money and will no doubt procure a *free* pass. He was long a waiter in Dumfries Tavern and is well known to travellers this way.

The above reward of fifty dollars will be paid on securing said Joe in Dumfries or Alexandria gaol, and twenty dollars will be paid for securing him in any prison within the United States. It is supposed he is gone for Boston, and will endeavor to procure a passage by water from Baltimore or Philadelphia. Those secreting or abetting said runaway will be prosecuted by the utmost severity of Law.

Alexander Brown.

Dumfries, 2d Feb. 1804. 2paw

WANTED,

A PERSON to contract for the digging and laying a foundation for a building, to be used as Theatre, upon the lot opposite Mrs. Heron's, Shockoe Hill. Application to be made to Mr. Gibson, near Colonel Quarrier's.

Richmond, January 14th, 1804.

NOTICE.

ALL persons indebted to the subscriber, by dealing or otherwise, at his Store at Buckingham, under the direction of Mr. John Jenkins, are informed that their bonds, notes and accounts are placed for collection in the hands of Edward W. Trent, attorney at Law, who is authorized to receive the same and grant acquittances.

WM. BROWN.

Manchester, 3d Jan. 1804.

The undersigned will attend the February Buckingham court, for the purpose of receiving the above debts—those, who fail to comply with this notice, can expect no indulgence.

EDWARD W. TRENT.

☞ E. W. T. has commenced the PRACTICE of LAW in the Courts of *Henrico, Chesterfield, Powhatan, Amelia and Cumberland.*

Richmond, 2d Jan. 1804.

EDUCATION.

MRS. MAURY's SCHOOL, for young Ladies, has commenced at the subscriber's residence in the upper end of Hanover, where three or four more pupils can be accommodated. In this School the Girls are taught the English and French Languages, grammatically; History, Geography, Arithmetic and plain Needle Work. The charge per annum five and thirty pounds, paid quarterly in advance, the pupils finding their bedding. The situation is healthy and retired, and well calculated for an institution of this kind.

John Harr.

Hanover, Feb. 13, 1804.

WANTED,

A PERSON who understands Baking, and if he has some knowledge of Gardening, he would be prefered. For further particulars, enquire of THE PRINTER.

February 15.

WANTED,

To undertake the management of a Tan-Yard, in the country,

A Tanner,

WHO is well acquainted with the business. A SINGLE MAN who can come well recommended for sobriety and industry may hear further particulars by applying to the PRINTER.

Feb. 17. 3tp

To be Sold,

For ready money, at Hanover Town, on Thursday the 16th day of March next, from 12 to 15 very

LIKELY NEGROES,

BELONGING to the estate of John White, dec. late of King William county, to discharge the balance of a judgment obtained by Archibald Govan's executors against said dec'd. as security for the late Carter Braxton, Esq. dec. Among those Negroes are several boys and girls, and two or three fellows.

The Administrator.

King William, February 14th, 1804.

Notice is hereby given,

THAT on the first day of March next, will be exposed at Public Sale in the town of Staunton, the JUDGMENT lately obtained in the Federal Court by the assignees of Ninian Menzies against the heirs of William Bowyer, dec. and by virtue of which the real estate of said Bowyer in & adjoining Staunton hath been extended. The whole claim and interest of the plaintiffs in said judgment and extent shall be sold, the purchaser taking every risque, except as to the justice of the debt. This is mentioned, because part of the property extended has been claimed by Mustoe and Chambers, and a suit is depending therefor; and because one or two lots which are within the inclosure of said Bowyer, and were extended as part of his land, are said still to belong to the trustees of the town of Staunton. The widow too hath her dower in said property. But these circumstances, it is apprehended, will not greatly diminish the value of the property, as the tenant, by right, will have a right to hold over after the time the debt would regularly be discharged agreeable to the inquest of the jury, until such loss would be made up.

The intrinsic value of this Property, encreased by its contiguity to Staunton, consisting of a handsome two story House with suitable out Houses in the Town on a beautiful eminence with valuable pasture and meadow Land adjoining, must be fully appreciated by all those who either know or are well informed of its situation.

Those wishing to purchase may see the amount of the Judment and the inquest thereupon either by application at the Clerk's Office of the Federal Court in Richmond or to David Parry, Esq. of Staunton, who being one of the jury, has the counter-part of the inquisition, or Mr. Thomas Gordon of Petersburg, agent for the plaintiffs, can give any information wanted.

One third of the purchase money must be paid in hand, one third at the expiration of one year, and the residue at the expiration of two years; ample security to be given for the deferred payments.

If the Judgment cannot be sold for the price limited by the plaintiff's agent, I will then proceed on the same or succeeding day to dispose of the interest of the plaintiffs in said judgment for a sum annually to be paid by way of rent—to be paid at the expiration of every year, so long as until the sum at which the said property is extended will extinguish the judgment.

The plaintiffs in this case being only answerable for the justice of their debt as above mentioned, and in this case in order to insure the punctual payment of the said sum annually, the purchaser is to be considered as the tenant of the plaintiffs, their representatives or assigns—and must not only give good security that there will always be a sufficient distress on the land for the rent, but there must also be a clause in the lease reserving to the plaintiffs, their representatives or assigns, a right to re-enter and take possession of the land in case of rent being in arrear and no distress to be found; and it must also be understood that the tenant and security are to be responsible in any diminution in the value of the land, and for any waste or improper conduct done or suffered by the tenant or those claiming under him—and in case the heirs of the said Bowyer should at any time think proper to redeem the land by the payment of the debt, the plaintiffs, their representatives or assigns are in the first place to receive so much thereof as will satisfy the annual payments then to become due discounting the interest.—The rent to be paid to the tenant.

John Coalter.

Staunton, 17th January, 1804.

Agreeably to a practice of the Commissioners appointed by an act of the General Assembly, entitled, "An act for improving the navigation of James River"

Public Notice is hereby given,

THAT books will be opened at the Compting-House of Pickett, Pollard & Johnston in the city of Richmond, at 12 o'clock on the 1st day of March next, for receiving subscriptions for shares in the said institution.

Robert Pollard.

February 15, 1804.

MESSRS. *Pickering, Smith*, and two other persons, all of the name of *Gale*, supposed to be residents of the state of *South Carolina*, or *Georgia*, who went to *Baltimore*, some time in July or August last, to purchase *Slaves*, are desired to take NOTICE that BEN, who they bought of *Abraham Ware* of *Harford county* in *Maryland*, is now in the *Jail* of this *city*, as a *Runaway*. He formerly belonged to *Penn Peters* of *Baltimore*, and afterwards to a Mr. *John Gibbs* of *Harford county*, who sold him to Mr. WARE. He is a stout, active, strong, well looking very black man, of about 26 or 27 years of age, and 5 feet 8 inches high. He says that, in September last, he and about 25 or 30 others were landed out of a schooner, at *Smithfield* on *James River*, and marched by the above persons, into South Carolina and Georgia, and that *Pickering* sold him somewhere about 50 or 60 miles on the other side of the South Carolina line to a farmer of the name of HOWARD, who owned a mill. He staid but a few days with his new master before he set off to the *Northward*, under the assumed name of *Bob Barnfield*. The subscriber has received a letter from a gentleman in Baltimore corroborative of the above, and who has known him some years. His owner is requested to come, or send for him, and on producing such credentials as the law requires, will be delivered on payment of fees and this advertisement, by

William Rose.

Richmond, Feb. 16, 1804.